

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.978 OF 2005
ALONG WITH
CIVIL APPLICATION NO. 1172 OF 2005
AND
CIVIL APPLICATION NO. 1153 OF 2005

Shreeram Shankar Pal

...Appellant

V/s

M/s. Malkani Constructions
and anr.

...Respondents.

Mr. Anil Singh with Mr. Mahendra Yadav for the
appellant.

Mr. S.S. Shah with Mr. Prashant Kulkarni i/b Zohair &
Co. for the respondents.

CORAM: V.M.KANADE,J.
DATE : 26th October, 2005

P.C.

1. The learned Counsel for the appellant seeks
permission to withdraw the appeal.

2. Appeal is allowed to be withdrawn. However,
liberty is granted to the appellant to make an
application in the Trial Court to amend the plaint and
the notice of motion. Respondents are entitled to
challenge the application for amendment.

3. In view of withdrawal of appeal, Civil Applications taken out therein do not survive and the same are also accordingly disposed of.

V.M. KANADE, J.